

Amendment No. 2 to SB2427

Fowler
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2427*

House Bill No. 2476

by deleting all of the language after the enacting clause and substituting therefor the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a)(2), is amended by adding the following at the end of that subdivision:

In each contested divorce case or contested proceeding to modify a residential parenting order or custody order, the court shall make affirmative written findings of the facts that constitute the basis for the residential parenting arrangement or custody order pursuant to divorce. These findings shall be predicated upon the best interest of the child. If the issue is a modification of a court's prior decree pertaining to custody or a residential parenting arrangement, then the petitioner must prove by a preponderance of the evidence a material change in circumstances. A "material change in circumstances" does not require a showing of a substantial risk of harm to the child. Nothing in this subdivision shall interfere with the requirement that parties to an action for legal separation, annulment, absolute divorce or separate maintenance incorporate a parenting plan into the final decree or decree modifying an existing custody order.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.